

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BASIM BAJRA,

Plaintiff,

Case No. 1:24-cv-66

v.

Honorable Ray Kent

JEFF TANNER et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Macomb Correctional Facility (MRF) in New Haven, Macomb County, Michigan, and the events giving rise to Plaintiff's action occurred there. Plaintiff sues the following MRF personnel: Warden Jeff Tanner, Assistant Deputy Warden Unknown McKinney, Grievance Coordinator Unknown Nenrod, and Corrections Officer Unknown Layow. In his *pro se* complaint, Plaintiff alleges that after being placed in segregation at MRF, he discovered that his winter clothing was not in his property bag. Plaintiff contends that he requested replacements, but that Defendants refused to provide them.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Macomb County. Defendants are public officials serving in Macomb County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Macomb County is within

the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: January 30, 2024

/s/ Ray Kent
Ray Kent
United States Magistrate Judge